

SENATE BILL 12

1 **SECTION 78.** 11.21 (15) of the statutes, as affected by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

3 **11.21 (15)** Inform each candidate who files an application to become eligible to
4 receive a grant from the Wisconsin election campaign fund of the dollar amount of
5 the applicable disbursement limitation under s. 11.31 (1) or (1m), adjusted as
6 provided under s. 11.31 (9), which applies to the office for which such person is a
7 candidate. Failure to receive the notice required by this subsection does not
8 constitute a defense to a violation of s. 11.27 (1) or 11.31. ✓

9 **SECTION 79.** 11.21 (16) of the statutes, as affected by 2001 Wisconsin Act 109,
10 is repealed and recreated to read:

11 **11.21 (16)** Require each registrant for whom the board serves as filing officer
12 and who or which accepts contributions in a total amount or value of \$20,000 or more
13 during a campaign period to file each campaign finance report that is required to be
14 filed under this chapter in an electronic format, and accept from any other registrant
15 for whom the board serves as a filing officer any campaign finance report that is
16 required to be filed under this chapter in an electronic format. ✓ A registrant who or
17 which becomes subject to a requirement to file reports in an electronic format under
18 this subsection shall initially file the registrant's report in an electronic format for
19 the period which includes the date on which the registrant becomes subject to the
20 requirement or, if the registrant is required to report transactions within 24 hours
21 of their occurrence, within 24 hours after the date on which the registrant becomes
22 subject to the requirement. To facilitate implementation of this subsection, the board
23 shall specify, by rule, a type of software that is suitable for compliance with the
24 electronic filing requirement under this subsection. ✓ The board shall provide copies
25 of the software to registrants at a price fixed by the board that may not exceed cost. ✓

SENATE BILL 12**SECTION 79**

1 Each registrant who or which files a report under this subsection in an electronic
2 format shall also file a copy of the report with the board that is recorded on a medium
3 specified by the board. ✓ The copy shall be signed by an authorized individual and filed
4 with the board by each registrant no later than the time prescribed for filing of the
5 report under this chapter. If a registrant is a committee, the copy shall be certified
6 by an authorized individual and filed with the board by the registrant no later than
7 24 hours after the occurrence of any transaction that is reportable under s. 11.06 (1). ✓
8 If a registrant or other person becomes subject to a requirement to report
9 electronically under this subsection, the registrant or other person shall continue to
10 report electronically regardless of the amount of contributions accepted or
11 expenditures made by the registrant or other person, until a termination report is
12 filed. The board shall provide complete instructions to any registrant who or which
13 files a report under this subsection. In this subsection, the "campaign period" of a
14 candidate, personal campaign committee or support committee begins and ends with
15 the "campaign" of the candidate whose candidacy is supported, as defined in s. 11.26
16 (17), and the "campaign period" of any other registrant begins on January 1 of each
17 odd-numbered year and ends on December 31 of the following year. Section 990.001
18 (4) does not apply to the computation of time permitted for compliance with the filing
19 requirements under this subsection. ✓

20 **SECTION 80.** 11.21 (17) of the statutes, as created by 2001 Wisconsin Act 109,
21 is repealed.

22 **SECTION 81.** 11.22 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
23 is repealed and recreated to read:

24 11.22 (3) Furnish to each registrant prescribed forms for the making of reports
25 and statements. Forms shall be sent by 1st class mail not earlier than 21 days and

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1 not later than 14 days prior to the applicable filing deadline under s. 11.20 and
2 addressed to the attention of the treasurer or other person indicated on the
3 registration statement. Forms need not be sent to a registrant who has made an
4 indication that aggregate contributions, disbursements and obligations will not
5 exceed the amount specified under s. 11.06 (2m) or to a registrant who has been
6 granted a suspension under s. 11.19 (2). Whenever any notice of the filing
7 requirements under this chapter is sent to a candidate's campaign treasurer, the
8 filing officer shall also send a notice to the candidate if he or she has appointed a
9 separate treasurer. Failure to receive any form or notice does not exempt a registrant
10 from compliance with this chapter. ✓

11 **SECTION 82.** 11.23 (1) of the statutes, as affected by 2001 Wisconsin Act 109,
12 is repealed and recreated to read:

13 11.23 (1) Any group or individual may promote or oppose a particular vote at
14 any referendum in this state. Before making disbursements, receiving
15 contributions, or incurring obligations in excess of \$100 in the aggregate in a
16 calendar year for such purposes, the group or individual shall file a registration
17 statement under s. 11.05 (1) or (2). In the case of a group the name and mailing
18 address of each of its officers shall be given in the statement. Every group and every
19 individual under this section shall designate a campaign depository account under
20 s. 11.14. Every group shall appoint a treasurer, who may delegate authority but is
21 jointly responsible for the actions of his or her authorized designee for purposes of
22 civil liability under this chapter. The appropriate filing officer shall be notified by
23 a group of any change in its treasurer within 10 days of the change under s. 11.05 (5).
24 The treasurer of a group shall certify the correctness of each statement or report
25 submitted by it under this chapter.

SENATE BILL 12**SECTION 83**

1 **SECTION 83.** 11.23 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

3 11.23 (2) Any anonymous contribution exceeding \$10 received by an individual
4 or group treasurer may not be used or expended. The contribution shall be donated
5 to the common school fund or to any charitable organization or transferred to the
6 board for deposit in the Wisconsin election campaign fund, at the option of the
7 treasurer. ✓

8 **SECTION 84.** 11.24 (1w) of the statutes, as created by 2001 Wisconsin Act 109,
9 is repealed and recreated to read:

10 11.24 (1w) No candidate or personal campaign committee of a candidate who
11 applies for a grant under s. 11.50 may accept any contribution from a committee
12 other than a political party committee. ✓

13 **SECTION 85.** 11.24 (2) of the statutes is renumbered 11.24 (5). ✓ X

14 **SECTION 86.** 11.24 (4) of the statutes, as created by 2001 Wisconsin Act 109, is
15 repealed and recreated to read:

16 11.24 (4) (a) No person may make a contribution to an incumbent partisan state
17 elective official or to the personal campaign committee or support committee
18 authorized under s. 11.05 (3) (p) of that official for the purpose of promoting that
19 official's nomination or reelection to the office held by the official during the period
20 beginning on the first Monday of January in each odd-numbered year and ending
21 on the date of enactment of the biennial budget act. ✓

22 (b) Notwithstanding par. (a), a person may make a contribution to an
23 incumbent partisan state elective official against whom a recall petition has been
24 filed during the period beginning on the date that the petition offered for filing is filed

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1 under s. 9.10 (3) (b) and ending on the date of the recall election unless the official
2 resigns at an earlier date under s. 9.10 (3) (c). ✓

3 **SECTION 87.** 11.25 (2) (b) of the statutes is amended to read:

4 11.25 (2) (b) Notwithstanding par. (a), a registrant may accept contributions
5 and make disbursements from a campaign depository account for the purpose of
6 making expenditures in connection with a campaign for national office; for payment
7 of civil penalties incurred by the registrant under this chapter but not under any
8 other chapter; or for payment of the expenses of nonpartisan campaigns to increase
9 voter registration or participation. Notwithstanding par. (a), a personal campaign
10 committee or support committee may accept contributions and make disbursements
11 from a campaign depository account for payment of inaugural expenses of an
12 individual who is elected to state or local office. If such expenses are paid from
13 contributions made to the campaign depository account, they are reportable under
14 s. 11.06 (1) as disbursements. Otherwise, such expenses are not reportable under s.
15 11.06 (1). If contributions from the campaign depository account are used for such
16 expenses, they are subject to s. 11.26.

17 **SECTION 88.** 11.26 (1) (intro.) of the statutes, as affected by 2001 Wisconsin Act
18 109, is repealed and recreated to read:

19 11.26 (1) (intro.) No individual, except an individual serving as a conduit, may
20 make any contribution or contributions to a candidate for election or nomination to
21 any of the following offices and to any individual or committee under s. 11.06 (7)
22 acting solely in support of such a candidate or solely in opposition to the candidate's
23 opponent to the extent of more than a total of the amounts specified per candidate:

24 **SECTION 89.** 11.26 (1m) and (1t) of the statutes, as created by 2001 Wisconsin
25 Act 109, are repealed.

SENATE BILL 12**SECTION 90**

1 **SECTION 90.** 11.26 (2) ^X (intro.) of the statutes, as affected by 2001 Wisconsin Act
2 109, is repealed and recreated to read:

3 11.26 (2) (intro.) No committee, other than a political party committee, and no
4 individual or committee serving as a conduit, may make any contribution or
5 contributions to a candidate for election or nomination to any of the following offices
6 and to any individual or committee under s. 11.06 (7) acting solely in support of such
7 a candidate or solely in opposition to the candidate's opponent to the extent of more
8 than a total of the amounts specified per candidate: ✓

9 **SECTION 91.** 11.26 (2) ^X (a) of the statutes, as affected by 2001 Wisconsin Act 109,
10 is repealed and recreated to read:

11 11.26 (2) (a) Candidates for governor, \$45,000. ✓

12 **SECTION 92.** 11.26 (2) (ad) of the statutes is created to read:

13 11.26 (2) (ad) Candidates for lieutenant governor, \$15,000. ✓

14 **SECTION 93.** 11.26 (2) ^X (ae) of the statutes, as created by 2001 Wisconsin Act 109,
15 is repealed.

16 **SECTION 94.** 11.26 (2) ^X (am) of the statutes, as created by 2001 Wisconsin Act
17 109, is repealed and recreated to read:

18 11.26 (2) (am) Candidates for attorney general, \$25,000. ✓

19 **SECTION 95.** 11.26 (2) ^X (as) of the statutes, as created by 2001 Wisconsin Act 109,
20 is repealed.

21 **SECTION 96.** 11.26 (2) ^X (au) of the statutes is created to read:

22 11.26 (2) (au) Candidates for secretary of state, state treasurer, state
23 superintendent, or justice, \$10,000.

24 **SECTION 97.** 11.26 (2) ^X (av) of the statutes, as created by 2001 Wisconsin Act 109,
25 is repealed.

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1 **SECTION 98.** 11.26 (2m) and (2t) of the statutes, as created by 2001 Wisconsin
2 Act 109, are repealed.

3 **SECTION 99.** 11.26 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
4 is repealed and recreated to read:

5 11.26 (3) The contribution limitations of subs. (1) and (2) apply cumulatively
6 to the entire primary and election campaign in which a candidate participates,
7 whether or not there is a contested primary election. The total limitation may be
8 apportioned in any manner desired between the primary and election. All moneys
9 cumulate regardless of the time of contribution. ✓

10 **SECTION 100.** 11.26 (4) of the statutes, as affected by 2001 Wisconsin Act 109,
11 is repealed and recreated to read:

12 11.26 (4) Except as provided in sub. (10), no individual, except an individual
13 serving as a conduit, may make any contribution or contributions to all candidates
14 for state and local offices and to any individuals who or committees which are subject
15 to a registration requirement under s. 11.05, including committees of a political
16 party, to the extent of more than a total of \$10,000 in any calendar year. ✓

17 **SECTION 101.** 11.26 (5) of the statutes, as affected by 2001 Wisconsin Act 109,
18 is repealed and recreated to read:

19 11.26 (5) The contribution limits provided in subs. (1) and (4) do not apply to
20 a candidate who makes any contribution or contributions to his or her own campaign
21 for office from the candidate's personal funds or property or the personal funds or
22 property which are owned jointly or as marital property with the candidate's spouse,
23 with respect to any contribution or contributions made to that candidate's campaign
24 only. A candidate's personal contributions shall be deposited in his or her campaign
25 depository account and reported in the normal manner. ✓

SENATE BILL 12**SECTION 102**

1 **SECTION 102.** 11.26 (6) of the statutes, as affected by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

3 11.26 (6) When a candidate adopts a preexisting support committee as his or
4 her personal campaign committee, the support committee is deemed to have been the
5 same committee as the candidate's personal campaign committee for purposes of the
6 application of subs. (1), (2), and (9). The limitations prescribed in subs. (2) and (9)
7 do not apply to the transfer of contributions which is made at the time of such
8 adoption, but do apply to the contributions which have been made by any other
9 committee to the support committee at the time of adoption. ✓

10 **SECTION 103.** 11.26 (8) of the statutes, as affected by 2001 Wisconsin Act 109,
11 is repealed and recreated to read:

12 11.26 (8) (a) No political party, as defined in s. 5.02 (13), may receive more than
13 a total of \$450,000 in value of its contributions in any biennium from all other
14 committees, excluding transfers between party committees of the party. In this
15 paragraph, a biennium commences with January 1 of each odd-numbered year and
16 ends with December 31 of each even-numbered year. ✓

17 (b) No such political party may receive more than a total of \$18,000 in value
18 of its contributions in any calendar year from any specific committee or its subunits
19 or affiliates, excluding political party committees. ✓

20 (c) No committee, other than a political party committee, may make any
21 contribution or contributions, directly or indirectly, to a political party under s. 5.02
22 (13) in a calendar year exceeding a total value of \$18,000. ✓

23 **SECTION 104.** 11.26 (8m) of the statutes is created to read:

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1 11.26 (8m) (a) Except as provided in par. (b), no committee may make a
2 contribution to any other committee except a political party, personal campaign, or
3 support committee. ✓

4 (b) Paragraph (a) does not apply to any contribution made by a committee that
5 is affiliated with a labor organization to any other committee that is affiliated with
6 the same labor organization. ✓

7 SECTION 105. 11.26 (8n) and (8r) of the statutes, as created by 2001 Wisconsin
8 Act 109, are repealed. ✓

9 SECTION 106. 11.26 (9) (a) of the statutes, as affected by 2001 Wisconsin Act
10 109, is repealed and recreated to read: ✓

11 11.26 (9) (a) No individual who is a candidate for state or local office may receive
12 and accept more than the following amount during any primary and election
13 campaign combined from political party committees:

- 14 1. For a candidate for the office of governor, \$400,000. ✓
- 15 2. For a candidate for the office of lieutenant governor, \$100,000. ✓
- 16 3. For a candidate for the office of attorney general, \$100,000. ✓
- 17 4. For a candidate for the office of secretary of state, state treasurer, justice, or
18 state superintendent, \$50,000. ✓

- 19 5. For a candidate for the office of state senator, \$24,000. ✓
- 20 6. For a candidate for the office of representative to the assembly, \$12,000. ✓

- (21) 7. For a candidate for any other state or local office, 20% ^{e percent} of the value of the total
22 disbursement level, as determined under s. 11.31 (1) and adjusted as provided under
23 s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m), for the office
24 for which he or she is a candidate.

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SECTION 107

1 **SECTION 107.** 11.26 (9) (am) of the statutes, as created by 2001 Wisconsin Act
2 109, is repealed.

3 **SECTION 108.** 11.26 (9) (b) of the statutes, as affected by 2001 Wisconsin Act
4 109, is repealed and recreated to read:

5 11.26 (9) (b) No individual who is a candidate for state or local office may receive
6 and accept more than the following amount during any primary and election
7 campaign combined from all committees other than political party committees
8 subject to a filing requirement: ✓

9 1. For a candidate for the office of governor, \$485,190. ✓

10 2. For a candidate for the office of lieutenant governor, \$145,564. ✓

11 3. For a candidate for the office of attorney general, \$ 242,550. ✓

12 4. For a candidate for the office of secretary of state, state treasurer, justice, or
13 state superintendent, \$97,031. ✓

14 5. For a candidate for the office of state senator, \$15,525. ✓

15 6. For a candidate for the office of representative to the assembly, \$7,763. ✓

16 7. For a candidate for any other state or local office, ^{50 percent} 25% of the value of the total
17 disbursement level, as determined under s. 11.31 (1) and as adjusted as provided
18 under s. 11.31 (9) but without respect to any adjustment under s. 11.31 (1m), for the
19 office for which he or she is a candidate. ✓

20 **SECTION 109.** 11.26 (9) (c) of the statutes is repealed.

21 **SECTION 110.** 11.26 (9m) of the statutes, as created by 2001 Wisconsin Act 109,
22 is repealed.

23 **SECTION 111.** 11.26 (10) of the statutes, as affected by 2001 Wisconsin Act 109,
24 is repealed and recreated to read:

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1 11.26 (10) No candidate for state office who files a sworn statement and
2 application to receive a grant from the Wisconsin election campaign fund may make
3 contributions of more than 200%^{percent} of the amounts specified in sub. (1) to the
4 candidate's own campaign from the candidate's personal funds or property or the
5 personal funds or property which are owned jointly or as marital property with the
6 candidate's spouse, unless the board determines that the candidate is not eligible to
7 receive a grant. For purposes of this subsection, any contribution received by a
8 candidate or his or her personal campaign committee from a committee which is
9 registered with the federal elections commission as the authorized committee of the
10 candidate under 2 USC 432 (e) shall be treated as a contribution made by the
11 candidate to his or her own campaign. ✓ The contribution limit of sub. (4) applies to
12 amounts contributed by such a candidate personally to the candidate's own
13 campaign and to other campaigns, except that a candidate may exceed the limitation
14 if authorized under this subsection to contribute more than the amount specified to
15 the candidate's own campaign, up to the amount of the limitation. ✓

16 SECTION 112. 11.26 (10a) of the statutes, as created by 2001 Wisconsin Act 109,
17 is repealed.

18 SECTION 113. 11.26 (12m) of the statutes is repealed and recreated to read:

19 11.26 (12m) For purposes of subs. (1) and (4), a contribution of money received
20 from a conduit identified in the manner prescribed in s. 11.06 (11) (a) shall be
21 considered a contribution received from the original contributor. ✓

22 SECTION 114. 11.26 (15) of the statutes, as affected by 2001 Wisconsin Act 109,
23 is repealed and recreated to read:

24 11.26 (15) The fact that 2 or more committees, other than personal campaign
25 committees, utilize common policies and practices concerning the endorsement of

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SECTION 114

1 candidates or agree to make contributions only to such endorsed candidates does not
2 affect the right of each committee independently to make contributions up to the
3 amount specified under sub. (2). ✓ X

4 **SECTION 115.** 11.26 (17) (a) of the statutes, as affected by 2001 Wisconsin Act
5 109, is repealed and recreated to read:

6 11.26 (17) (a) For purposes of application of the limitations imposed in subs.
7 (1), (2), (9), and (10), the “campaign” of a candidate begins and ends at the times
8 specified in this subsection. ✓

9 **SECTION 116.** 11.265 of the statutes is repealed. ✓

10 **SECTION 117.** 11.31 (1) (intro.) of the statutes, as affected by 2001 Wisconsin
11 Act 109, is repealed and recreated to read:

12 11.31 (1) SCHEDULE. (intro.) The following levels of disbursements are
13 established with reference to the candidates listed below. The levels are subject to
14 adjustment under subs. (1m) and (9). Except as provided in sub. (2), such levels do
15 not operate to restrict the total amount of disbursements which are made or
16 authorized to be made by any candidate in any primary or other election. ✓

17 **SECTION 118.** 11.31 (1) (a) to (d) of the statutes, as affected by 2001 Wisconsin
18 Act 109, are repealed and recreated to read:

19 11.31 (1) (a) Candidates for governor, \$2,000,000. ✓

20 (b) Candidates for lieutenant governor, \$500,000. ✓

21 (c) Candidates for attorney general, \$700,000. ✓

22 (d) Candidates for secretary of state, state treasurer, or state superintendent,
23 \$250,000. ✓

24 **SECTION 119.** 11.31 (1) (de) of the statutes, as created by 2001 Wisconsin Act
25 109, is repealed and recreated to read:

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1 11.31 (1) (de) Candidates for justice, \$300,000. ✓

2 SECTION 120. 11.31 (1) (e) and (f) of the statutes, as affected by 2001 Wisconsin
3 Act 109, are repealed and recreated to read:

4 11.31 (1) (e) Candidates for state senator, \$100,000 total in the primary and
5 election, with disbursements not exceeding \$72,000 for either the primary or the
6 election. ✓

7 (f) Candidates for representative to the assembly, \$50,000 total in the primary
8 and election, with disbursements not exceeding \$36,000 for either the primary or the
9 election. ✓

10 SECTION 121. 11.31 (1m) of the statutes is created to read:

11 11.31 (1m) DISBURSEMENT LEVEL FOR CANDIDATES IN COMPETITIVE PARTISAN
12 PRIMARY ELECTIONS. The total disbursement level for any candidate for a partisan
13 office at a general or special election whose name appears on the ballot as a candidate
14 for an office at a primary election preceding that election and who receives less than
15 twice as many votes at that primary election as another candidate for the same office
16 within the same political party, and who has an opponent in the general or special
17 election who received at least 6% of the votes cast for all candidates for the office that
18 the candidate seeks on all ballots at the September primary or any special primary
19 preceding the general or special election, is 120% of the amount specified in sub. (1)
20 for the candidate for the same office who receives the greatest number of votes in the
21 primary election, as adjusted as provided in sub. (9). ✓

22 SECTION 122. 11.31 (2) of the statutes, as affected by 2001 Wisconsin Act 109,
23 is repealed and recreated to read:

24 11.31 (2) LIMITATION IMPOSED. No candidate for state office at a spring or general
25 election who files a sworn statement and application to receive a grant from the

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1 Wisconsin election campaign fund may make or authorize total disbursements from
2 his or her campaign treasury in any campaign to the extent of more than the amount
3 prescribed in sub. (1) or (1m), whichever is applicable, adjusted as provided under
4 sub. (9), unless the board determines that the candidate is not eligible to receive a
5 grant or sub. (3p) applies. ✓ No candidate for state office at a special election who files
6 a sworn statement and application to receive a grant from the Wisconsin election
7 campaign fund may make or authorize total disbursements from his or her campaign
8 treasury in any campaign to the extent of more than the amount prescribed under
9 sub. (1), adjusted as provided under sub. (9), for the preceding spring or general
10 election for the same office, unless the board determines that the candidate is not
11 eligible to receive a grant or sub. (3p) applies. ✓

12 **SECTION 123.** 11.31 (2m) ^X of the statutes, as affected by 2001 Wisconsin Act 109,
13 is repealed:

14 **SECTION 124.** 11.31 (3) ^X of the statutes, as affected by 2001 Wisconsin Act 109,
15 is repealed and recreated to read:

16 11.31 (3) GUBERNATORIAL CAMPAIGNS. For purposes of compliance with the
17 limitations imposed under sub. (2), candidates for governor and lieutenant governor
18 of the same political party who both accept grants from the Wisconsin election
19 campaign fund may agree to combine disbursement levels under sub. (1) (a) and (b),
20 adjusted as provided under sub. (9), and reallocate the total level between them. The
21 candidates shall each inform the board of any such agreement.

22 **SECTION 125.** 11.31 (3p) ^X of the statutes, as created by 2001 Wisconsin Act 109,
23 is repealed and recreated to read:

24 11.31 (3p) CANDIDATES RECEIVING ADDITIONAL GRANTS; EXCEPTION. If a candidate
25 receives a grant under s. 11.50 (9) (b), (ba), or (bb), the disbursement limitation of

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1 that candidate for the campaign in which the grant is received is increased by the
2 amount of that grant.

3 **SECTION 126.** 11.31 (9) of the statutes, as created by 2001 Wisconsin Act 109,
4 is repealed and recreated to read:

5 11.31 (9) ADJUSTMENT OF DISBURSEMENT LEVELS. (a) In this subsection,
6 “consumer price index” means the average of the consumer price index over each
7 12-month period, all items, U.S. city average, as determined by the bureau of labor
8 statistics of the U.S. department of labor. ✓

9 (b) The dollar amounts of all disbursement limitations specified in sub. (1) shall
10 be subject to a cost-of-living adjustment to be determined by rule of the board in
11 accordance with this subsection. To determine the adjustment, the board shall
12 calculate the percentage difference between the consumer price index for the
13 12-month period ending on December 31 of each odd-numbered year and the
14 consumer price index for calendar year ²⁰⁰⁵~~2003~~. For each biennium, the board shall
15 adjust the disbursement limitations specified under sub. (1) by that percentage to the
16 extent required to reflect any difference, rounded to the nearest multiple of \$25 in
17 the case of amounts of \$1 or more, which amount shall be in effect until a subsequent
18 rule is promulgated under this subsection. ✓ Notwithstanding s. 227.24 (1) (a), (2) (b),
19 and (3), determinations under this subsection may be promulgated as an emergency
20 rule under s. 227.24 without providing evidence that the emergency rule is necessary
21 for the public peace, health, safety, or welfare, and without a finding of emergency. ✓

22 **SECTION 127.** 11.38 (1) (a) 2. of the statutes, as affected by 2001 Wisconsin Act
23 109, is repealed and recreated to read:

24 11.38 (1) (a) 2. Notwithstanding subd. 1., any such corporation or association
25 may establish and administer a separate segregated fund and solicit contributions

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1 from individuals to the fund to be utilized by such corporation or association, for the
2 purpose of supporting or opposing any candidate for state or local office but the
3 corporation or association may not make any contribution to the fund. The fund shall
4 appoint a treasurer and shall register as a political committee under s. 11.05. A
5 parent corporation or association engaging solely in this activity is not subject to
6 registration under s. 11.05, but shall register and file special reports on forms
7 prescribed by the board disclosing its administrative and solicitation expenses on
8 behalf of such fund. A corporation not domiciled in this state need report only its
9 expenses for administration and solicitation of contributions in this state together
10 with a statement indicating where information concerning other administration and
11 solicitation expenses of its fund may be obtained. The reports shall be filed with the
12 filing officer for the fund specified in s. 11.02 in the manner provided under s. 11.21
13 (16), if applicable, or otherwise in the manner in which continuing reports are filed
14 under s. 11.20 (4) and (8). ✓

15 **SECTION 128.** 11.38 (6) of the statutes, as affected by 2001 Wisconsin Act 109,
16 is repealed and recreated to read:

17 11.38 (6) Any individual or campaign treasurer who receives funds in violation
18 of this section shall promptly return such funds to the contributor, donate the funds
19 to the common school fund or a charitable organization or transfer the funds to the
20 board for deposit in the Wisconsin election campaign fund, at the treasurer's option. ✓

21 **SECTION 129.** 11.38 (8) (b) of the statutes, as affected by 2001 Wisconsin Act
22 109, is repealed and recreated to read:

23 11.38 (8) (b) Except as authorized in s. 11.05 (12) (b) and (13), prior to making
24 any disbursement on behalf of a political group which is promoting or opposing a
25 particular vote at a referendum and prior to accepting any contribution or making ✓

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1 any disbursement to promote or oppose a particular vote at a referendum, a
2 corporation or association organized under ch. 185 shall register with the
3 appropriate filing officer specified in s. 11.02 and appoint a treasurer. The
4 registration form of the corporation or association under s. 11.05 shall designate an
5 account separate from all other corporation or association accounts as a campaign
6 depository account, through which all moneys received or expended for the adoption
7 or rejection of the referendum shall pass. The corporation or association shall file
8 reports under s. 11.20 and under s. 11.21 (16), if applicable, providing the
9 information required under s. 11.06 (1). ✓

10 **SECTION 130.** 11.385 of the statutes, as created by 2001 Wisconsin Act 109, is
11 repealed. ✓

12 **SECTION 131.** 11.50 (1) (a) 1. of the statutes, as affected by 2001 Wisconsin Act
13 109, is repealed and recreated to read:

14 11.50 (1) (a) 1. For purposes of qualification for a grant from the general
15 account:

16 1. a. With respect to a spring or general election, any individual who is certified
17 under s. 7.08 (2) (a) as a candidate in the spring election for justice or state
18 superintendent, or an individual who receives at least 6% ^{percent} of the vote cast for all
19 candidates on all ballots for any state office, except district attorney, for which the
20 individual is a candidate at the September primary and who is certified under s. 7.08
21 (2) (a) as a candidate for that office in the general election, or an individual who has
22 been lawfully appointed and certified to replace either such individual on the ballot
23 at the spring or general election; and who has qualified for a grant under sub. (2). ✓

24 b. With respect to a special election, an individual who is certified under s. 8.50
25 (1) (d) as a candidate in a special election for state superintendent, or an individual

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SECTION 131

1 who is certified under s. 8.50 (1) (d) as a candidate in a special election for any state
2 office, except district attorney, on the ballot or column of a party whose candidate for
3 the same office at the preceding general election received at least ~~6%~~^{20 percent} of the vote cast
4 for all candidates on all ballots for the office, or an individual who has been lawfully
5 appointed and certified to replace either such individual on the ballot at a special
6 election, or an individual who receives at least ~~6%~~^{20 percent} of the vote cast for all candidates
7 on all ballots for any state office, except district attorney, at a partisan special
8 election; and who qualifies for a grant under sub. (2). Where the boundaries of a
9 district in which an individual seeks office have been changed since the preceding
10 general election such that it is not possible to calculate the exact number of votes that
11 are needed by that individual to qualify as an eligible candidate prior to an election
12 under this subdivision, the number of votes cast for all candidates for the office at the
13 preceding general election in each ward, combination of wards or municipality which
14 is wholly contained within the boundaries of the newly formed district shall be
15 calculated. If the candidate of the political party on whose ballot or column the
16 individual appears in the newly formed district obtained at least ~~6%~~^{20 percent} of the number
17 of votes calculated, the individual is deemed to qualify as an eligible candidate prior
18 to the election under this subdivision. ✓

19 **SECTION 132.** 11.50 (1) (a) 2. of the statutes, as affected by 2001 Wisconsin Act
20 109, is repealed and recreated to read:

21 11.50 (1) (a) 2. With respect to a special election, an individual who is certified
22 under s. 8.50 (1) (d) as a candidate in a special election for state superintendent, or
23 an individual who is certified under s. 8.50 (1) (d) as a candidate in a special election
24 for any state office, except district attorney, on the ballot or column of a party whose
25 candidate for the same office at the preceding general election received at least ~~6%~~^{20 percent}

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1 of the vote cast for all candidates on all ballots for the office, or an individual who has
2 been lawfully appointed and certified to replace either such individual on the ballot
3 at a special election, or an individual who receives at least 6%^{percent} of the vote cast for all
4 candidates on all ballots for any state office, except district attorney, at a partisan
5 special election; and who qualifies for a grant under sub. (2). Where the boundaries
6 of a district in which an individual seeks office have been changed since the preceding
7 general election such that it is not possible to calculate the exact number of votes that
8 are needed by that individual to qualify as an eligible candidate prior to an election
9 under this subdivision, the number of votes cast for all candidates for the office at the
10 preceding general election in each ward, combination of wards or municipality which
11 is wholly contained within the boundaries of the newly formed district shall be
12 calculated. If the candidate of the political party on whose ballot or column the
13 individual appears in the newly formed district obtained at least 6%^{percent} of the number
14 of votes calculated, the individual is deemed to qualify as an eligible candidate prior
15 to the election under this subdivision.

16 **SECTION 133.** 11.50 (1) (a) 2m. of the statutes, as created by 2001 Wisconsin Act
17 109, is repealed and recreated to read:

18 11.50 (1) (a) 2m. For purposes of qualification for a grant from a political party
19 account, an individual who is certified under s. 7.08 (2) (a) in the general election or
20 a special election as the candidate of an eligible political party for a state office, other
21 than district attorney, or an individual who has been lawfully appointed and certified
22 to replace such an individual on the ballot at the general or a special election and who
23 has qualified for a grant under sub. (2). ✓

24 **SECTION 134.** 11.50 (1) (am) of the statutes, as created by 2001 Wisconsin Act
25 109, is repealed and recreated to read:

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1 11.50 (1) (am) "Eligible political party" means any of the following:

2 2. 1 A party qualifying under s. 5.62 (1) (b) for a separate ballot or one or more
3 separate columns or rows on a ballot for the period beginning on the date of the
4 preceding general election and ending on the day before the general election that
5 follows that election.

6 1. 2 A party qualifying under s. 5.62 (2) for a separate ballot or one or more
7 separate columns or rows on a ballot for the period beginning on the preceding June
8 1, or if that June 1 is in an odd-numbered year, the period beginning on June 1 of the
9 preceding even-numbered year, and ending on May 31 of the 2nd year following that
10 June 1. *the beginning of that period*

11 SECTION 135. 11.50 (1) (bm) and ^X(cm) of the statutes, as created by 2001
12 Wisconsin Act 109, are repealed and recreated to read:

13 11.50 (1) (bm) "General account" means the account in the fund created under
14 sub. (2w).

15 (cm) "Political party account" means an account in the fund created under sub.
16 (2s).

17 SECTION 136. 11.50 ^X(2) (a) of the statutes, as affected by 2001 Wisconsin Act
18 109, is repealed and recreated to read:

19 11.50 (2) (a) Any individual who desires to qualify as an eligible candidate may
20 file an application with the board requesting approval to participate in the fund. The
21 application shall be filed no later than the applicable deadline for filing nomination
22 papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a), or 8.50 (3) (a), no later than 4:30 p.m.
23 on the 7th day after the primary or date on which the primary would be held if
24 required in the case of write-in candidates, or no later than 4:30 p.m. on the 7th day
25 after appointment in the case of candidates appointed to fill vacancies. The

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SECTION 136

1 application shall contain a sworn statement that the candidate and his or her
2 authorized agents have complied with the contribution limitations prescribed in s.
3 11.26 and the disbursement limitations imposed under s. 11.31 (2), as adjusted under
4 s. 11.31 (9), at all times to which such limitations have applied to his or her candidacy
5 and will continue to comply with the limitations at all times to which the limitations
6 apply to his or her candidacy for the office in contest, unless the board determines
7 that the candidate is not eligible to receive a grant or s. 11.31 (3p) applies. ✓ The
8 application shall also contain a sworn statement that the candidate and his or her
9 agents have not accepted any contribution made by a committee other than a
10 political party committee during the campaign, or, if any such contribution has been
11 accepted, that the contribution has been returned or donated as provided in par. (j),
12 and the candidate and his or her agents will not accept any such contribution during
13 the campaign, unless the candidate is determined by the board to be ineligible to
14 receive a grant after the date of that determination. ✓

15 **SECTION 137.** 11.50 (2) (b) 3. of the statutes, as affected by 2001 Wisconsin Act
16 109, is repealed and recreated to read:

17 11.50 (2) (b) 3. The candidate has an opponent who is certified for placement
18 on the election ballot as a candidate for the same office; ✓

19 **SECTION 138.** 11.50 (2) (b) 4. of the statutes, as affected by 2001 Wisconsin Act
20 109, is repealed and recreated to read:

21 11.50 (2) (b) 4. The financial reports filed by or on behalf of the candidate as
22 of the date of the spring or September primary, or the date that the special primary
23 is or would be held, if required, indicate that his or her statement filed with the
24 application under par. (a) is true; and ✓

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SECTION 139

1 **SECTION 139.** 11.50 (2) (b) 5. of the statutes, as affected by 2001 Wisconsin Act
2 109, is repealed and recreated to read:

3 11.50 (2) (b) 5. The financial reports filed by or on behalf of the candidate as
4 of the date of the spring or September primary, or the date that the special primary
5 is or would be held, if required, indicate that the candidate has received an amount
6 equal to at least ^{2 percent} 3% of the applicable authorized disbursement limitation, as
7 determined under s. 11.31 (1) and adjusted under s. 11.31 (9) but without respect to
8 any adjustment under s. 11.31 (1m), from contributions of money, other than loans,
9 made by individuals who reside in this state and, in the case of a candidate for
10 legislative office, by individuals at least ^{2 percent} 50% of whom reside in a county having
11 territory within the legislative district in which the candidate seeks office, which
12 contributions have been received during the period ending on the date of the spring
13 primary and July 1 preceding such date in the case of candidates at the spring
14 election, or the date of the September primary and January 1 preceding such date
15 in the case of candidates at the general election, or the date that a special primary
16 will or would be held, if required, and 90 days preceding such date or the date a
17 special election is ordered, whichever is earlier, in the case of candidates at a special
18 election, which contributions are in the aggregate amount of \$100 or less, and which
19 contributions are fully identified and itemized as to the exact source thereof. A
20 contribution received from a conduit which is identified by the conduit as originating
21 from an individual shall be considered a contribution made by the individual. Only
22 the first \$100 of an aggregate contribution of more than \$100 may be counted toward
23 the required percentage. ✓

24 **SECTION 140.** 11.50 (2) (b) 6. of the statutes, as created by 2001 Wisconsin Act
25 109, is repealed.

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1 **SECTION 141.** 11.50 (2) [✓](c) of the statutes, as affected by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

3 11.50 (2) (c) If a candidate has not filed financial reports as of the date of the
4 spring primary, September primary, special primary, or date that the special primary
5 would be held, if required, which indicate that he or she has met the qualification
6 under par. (b) 5., the candidate may file a special report with the board. Such report
7 shall be filed not later than the 7th day after the primary, or 7th day after the date
8 the primary would be held, if required, and shall include such supplementary
9 information as to sources of contributions which may be necessary to complete the
10 candidate's qualification. The special report shall cover the period from the day after
11 the last date covered on the candidate's most recent report, or from the date on which
12 the first contribution was received or the first disbursement was made, whichever
13 is earlier, if the candidate has not previously filed a report, to the date of such report.
14 All information included on the special report shall also be included in the
15 candidate's next report under s. 11.20. This paragraph does not apply to a candidate
16 who files reports under s. 11.21 (16). ✓

17 **SECTION 142.** 11.50 (2) [✓](f) of the statutes, as affected by 2001 Wisconsin Act 109,
18 is repealed and recreated to read:

19 11.50 (2) (f) The board shall inform each candidate in writing of the approval
20 or disapproval of the candidate's application, as promptly as possible after the date
21 of the spring primary, September primary, special primary, or date that the primary
22 would be held, if required. With respect to a candidate at a special election who
23 applies for a postelection grant under sub. (1) (a) 2., the board shall inform the
24 candidate in writing of the conditional approval or disapproval of the candidate's
25 application at the same time. ✓

SENATE BILL 12**SECTION 143**

1 **SECTION 143.** 11.50 (2) ^X(g) of the statutes, as affected by 2001 Wisconsin Act
2 109, is repealed and recreated to read:

3 11.50 (2) (g) A candidate who voluntarily files an application to receive a grant
4 in accordance with this subsection accepts and agrees to comply with the
5 contribution limitations prescribed in s. 11.26 and the disbursement limitations
6 imposed under s. 11.31 (2), as adjusted under s. 11.31 (9), as binding upon himself
7 or herself and his or her agents during the campaign of that candidate as defined in
8 s. 11.31 (7), as a precondition to receipt of a grant under this section, unless the board
9 determines that the candidate is not eligible to receive a grant or s. 11.31 (3p) applies. ✓

10 **SECTION 144.** 11.50 (2) ^X(h) of the statutes, as affected by 2001 Wisconsin Act
11 109, is repealed.

12 **SECTION 145.** 11.50 (2) ^X(i) of the statutes, as affected by 2001 Wisconsin Act 109,
13 is repealed.

14 **SECTION 146.** 11.50 (2) ^X(j) of the statutes, as created by 2001 Wisconsin Act 109,
15 is repealed and recreated to read:

16 11.50 (2) (j) If a candidate who desires to apply for a grant has accepted, or the
17 candidate's personal campaign committee has accepted, a contribution from a
18 committee other than a political party committee during the campaign for the office
19 that the candidate seeks, the candidate shall, before filing an application to receive
20 a grant, return the contribution or its monetary equivalent to the contributor, or, at
21 the contributor's option, donate an amount equal to the contribution to the fund or
22 to the common school fund. If the board later determines that the candidate is
23 ineligible to receive a grant, the candidate may then accept contributions from
24 committees other than political party committees after the date of that
25 determination. ✓

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X
1 **SECTION 147.** 11.50 (2m) of the statutes, as created by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

3 **11.50 (2m) PUBLIC INFORMATION.** (a) Annually, no later than September 1, the
4 board may notify the state treasurer that an amount not exceeding ^{2 percent} ~~5%~~ of the amount
5 transferred to the fund in that year shall be placed in a public information account.
6 Moneys in this account shall be expended by the board for the purpose of providing
7 public information concerning the purpose and effect of this section and s. 71.10 (3).

8 (b) As part of the public information program under par. (a), the board shall
9 prepare an easily understood description of the purpose and effect of this section and
10 s. 71.10 (3). ✓

11 (c) Any amount placed in the public information account that is not expended
12 by the board in any year shall be retained in that account. ✓

13 **SECTION 148.** 11.50 (2s) ^X of the statutes, as created by 2001 Wisconsin Act 109,
14 is repealed and recreated to read:

15 **11.50 (2s) POLITICAL PARTY ACCOUNTS.** (a) There is established a political party
16 account for each eligible political party. Each political party account consists of all
17 moneys designated by individuals for deposit in that account under s. 71.10 (3) (a).

18 (b) From the account of each eligible political party, the board shall apportion
19 moneys to eligible candidates representing that party who qualify to receive grants.
20 Whenever an eligible candidate representing an eligible political party receives a
21 grant, the state treasurer shall first make payment of the grant from the political
22 party account of that party, to the extent that sufficient moneys are available in that
23 account to make payment of the grant. ✓

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SECTION 148

1 (c) If a political party for which an account is established under this subsection
2 ceases to be an eligible political party, the board shall transfer the unencumbered
3 balance of that account to the general account. ✓

4 **SECTION 149.** 11.50 (2w) of the statutes, as created by 2001 Wisconsin Act 109,
5 is repealed and recreated to read:

6 11.50 (2w) GENERAL ACCOUNT. There is established a general account within
7 the fund consisting of all moneys designated by individuals for deposit in that
8 account under s. 71.10 (3) (a). ✓

9 **SECTION 150.** 11.50 (3) of the statutes is repealed.

10 **SECTION 151.** 11.50 (4) of the statutes, as affected by 2001 Wisconsin Act 109,
11 is repealed and recreated to read:

12 11.50 (4) PAYMENT OF GRANT AMOUNTS. The state treasurer shall make payment
13 of each grant to an eligible candidate from the political party account of that
14 candidate's political party, if any, if there are sufficient moneys in that account to
15 make full payment of the grant, and then from the general account. If there are
16 insufficient moneys in the general account to make full payment of a grant, the state
17 treasurer shall supplement the general account from the appropriation under s.
18 20.855 (4) (ba) in an amount sufficient to make full payment of the grant. Except as
19 provided in subs. (4m) and (10), the amount of each grant is the amount specified in
20 sub. (9). ✓

21 **SECTION 152.** 11.50 (4m) of the statutes is created to read:

22 11.50 (4m) GRANTS FOR PRIMARY CAMPAIGNS. If an eligible candidate who
23 qualifies to receive a grant in a spring, general, or special election was opposed in the
24 spring or September primary, or in a special primary, by a candidate who qualified
25 to have his or her name appear on the primary ballot and the eligible candidate won

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1 nomination in that primary, the board shall award to that candidate the primary
2 grant specified in sub. (9) (a) at the same time that grants are distributed under that
3 paragraph for the spring, general, or special election, provided that the candidate
4 has filed with the board, no later than the time specified in s. 8.10 (2) (a), 8.15 (1),
5 8.20 (8) (a), or 8.50 (3) (a) nomination papers containing at least the following number
6 of valid signatures of electors for the office that the candidate seeks:

7 (a) For candidates for statewide offices, not less than 4,000 electors. ✓

8 (b) For candidates for state senator, not less than 800 electors. ✓

9 (c) For candidates for representative to the assembly, not less than 400 electors. ✓

10 **SECTION 153.** 11.50 (5) of the statutes, as affected by 2001 Wisconsin Act 109,

11 is repealed and recreated to read: ^{CS}

12 ~~11.50 (5) TIME OF DISBURSEMENT.~~ ^{GRANT PAYMENTS} The state treasurer shall make the

13 ~~disbursements of grants~~ ^{that} under sub. (9) (a) to the campaign depository account of each

14 ~~eligible candidate~~ ^{each grant payment that becomes payable to an eligible candidate} by the end of the 3rd business day following notice from the board

15 under s. 7.08 (2) (c) or (cm). ^{of the amount to be paid (a) Except as provided in par (b), the} If an eligible candidate notifies the state treasurer of the

16 information required to make electronic transfers to the candidate's campaign

17 depository account, the state treasurer shall transfer to ^{campaign depository account of that candidate} the candidate any

18 supplemental grants under sub. (9) (b), (ba), or (bb) for which the candidate qualifies

19 immediately following notice from the board under s. 7.08 (2) (c) or (cm). ^{(b) (c)} Eligible

20 candidates for governor and lieutenant governor of the same political party may

21 combine ^{campaign depository} accounts if desired.

22 **SECTION 154.** 11.50 (6) of the statutes, as affected by 2001 Wisconsin Act 109,

23 is repealed and recreated to read:

24 11.50 (6) EXCESS MONEYS. If the amounts which are to be apportioned to each

25 eligible candidate are more than the amount which a candidate may accept under

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1 sub. (9), or more than the amount which a candidate elects to accept under sub. (10),
2 the excess moneys shall be retained in the fund.

3 **SECTION 155.** 11.50 (7) ^x(intro.) of the statutes, as affected by 2001 Wisconsin
4 Act 109, is repealed and recreated to read:

5 11.50 (7) UTILIZATION. ^x(intro.) Grants distributed under this section may be
6 utilized only for deposit in a campaign depository account under s. 11.10. Grants may
7 be expended only for one or more of the following:

8 **SECTION 156.** 11.50 (8) ^xof the statutes, as affected by 2001 Wisconsin Act 109,
9 is repealed and recreated to read:

10 11.50 (8) LAPSING GRANTS. All grants disbursed under sub. (5) remain the
11 property of the state until disbursed or encumbered for a lawful purpose. All grant
12 moneys that are unspent and unencumbered by a candidate on the day after the
13 election in which the candidate participates shall revert to the state. All deposits and
14 refunds derived from grant moneys that are received by a candidate at any time after
15 the day of the election in which the candidate participates shall revert to the state.
16 All reversions shall be returned to the board by the candidate and shall be deposited
17 in the fund. ✓

18 **SECTION 157.** 11.50 (9) ^xof the statutes, as affected by 2001 Wisconsin Act 109,
19 is repealed and recreated to read:

20 11.50 (9) (a) AMOUNT OF GRANTS. Except as provided in this paragraph and pars.
21 (b), (ba), and (bb) the total grant available to an eligible candidate may not exceed
22 an amount equal to the lesser of 45% ^{percent} of the disbursement level specified for the office
23 that the candidate seeks, as determined under s. 11.31 (1) and adjusted under s.
24 11.31 (9) but without respect to any adjustment under s. 11.31 (1m) or that amount
25 which, when added to all other contributions accepted by the candidate, is equal to

from 2001-2002 election year and political party contributions

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1 the disbursement level specified for the office that the candidate seeks, as
2 determined under s. 11.31 (1) and adjusted as provided under s. 11.31 (9) but without
3 respect to any adjustment under s. 11.31 (1m). Except as provided in pars. (b), (ba),
4 and (bb), the total grant available to an eligible candidate who qualifies for a grant
5 for primary campaign expenses under sub. (4m) may not exceed an amount equal to
6 the lesser of ^{e percent} 55% of the disbursement level specified for the office that the candidate
7 seeks, as determined under s. 11.31 (1) and adjusted under s. 11.31 (9), but without
8 respect to any adjustment under s. 11.31 (1m), or that amount which, when added
9 to all other contributions accepted by the candidate, is equal to the disbursement
10 level specified for the office that the candidate seeks, as determined under s. 11.31
11 (1) and adjusted under s. 11.31 (9) but without respect to any adjustment under s.
12 11.31 (1m). The board shall scrutinize accounts and reports and records kept under
13 this chapter to assure that applicable limitations under ss. 11.26 (9) and 11.31 are
14 not exceeded and any violation is reported. No candidate or campaign treasurer may
15 accept grants exceeding the amount authorized by this subsection.

16 (b) If an eligible candidate who accepts a grant is opposed by one or more
17 candidates in a general or special election whose names are certified under s. 7.08
18 (2) (a) or 8.50 (1) (d) to appear on the ballot, and if a committee receives any
19 contribution or contributions that are intended to be used or that are used to oppose
20 the election of the eligible candidate who accepts a grant or to support a certified
21 opponent of that candidate without cooperation or consultation with any certified
22 opposing candidate or such a candidate's agent or authorized committee, and not in
23 concert with, or at the request or suggestion of any certified opposing candidate's
24 agent or authorized committee, then the board shall make an additional grant to the
25 eligible candidate who accepts a grant in an amount equal to the total amount of

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1 contributions received for the purpose of advocating the election of the certified
2 opposing candidate or for the purpose of opposing the election of the eligible
3 candidate who accepts the grant, as reported by committees under s. 11.12 (6) (c).

4 (ba) If an eligible candidate at a primary or election, or both, who accepts a
5 grant is opposed by one or more candidates who are required, or whose personal
6 campaign committees are required, to file a report under s. 11.12 (8), then the board
7 shall make an additional grant to the eligible candidate who accepts a grant in an
8 amount equal to the total amount or value of disbursements, as reported under s.
9 11.12 (8), made by the opposing candidate or candidates exceeding the amount
10 specified under s. 11.31 (1) (a) to (de), (e), or (f) for the office which the candidate
11 seeks, as adjusted under s. 11.31 (9) but without respect to any adjustment under s.
12 11.31 (1m).

13 (bb) If the sum of the aggregate obligations incurred and disbursements made
14 by committees against an eligible candidate and the aggregate obligations incurred
15 and disbursements made by committees for that candidate's opponent, as reported
16 under s. 11.12 (6) (c), less disbursements made in payment of obligations previously
17 reported, exceeds 10%^{percent} of the amount specified under s. 11.31 (1) (a) to (de), (e), or (f),
18 for the office that the eligible candidate seeks as adjusted under s. 11.31 (9), but
19 without respect to any adjustment under s. 11.31 (1m), then the board shall make
20 an additional grant to the eligible candidate^{in an amount} equal to that sum, to the extent that the
21 sum exceeds the amount of any additional grant under par. (b) attributable to
22 contributions received by the committees incurring the obligations or making the
23 disbursements.

24 **SECTION 158.** 11.50 (10)^X of the statutes is created to read:

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1 11.50 (10) VOLUNTARY LIMITATION. Any eligible candidate may, by written
2 request, limit his or her participation in the fund to a lesser amount than that
3 authorized under sub. (9). ✓

4 SECTION 159. 11.50 (10m) of the statutes, as affected by 2001 Wisconsin Act
5 109, is repealed and recreated to read:

6 11.50 (10m) RETURN OF GRANTS. An individual who receives a grant prior to an
7 election in which he or she is a candidate and who desires to return any portion of
8 the grant shall return that portion no later than the 2nd Tuesday in October
9 preceding a general election, the 4th Tuesday preceding a spring election, or the 3rd
10 Tuesday preceding a special election. A candidate who returns all or any portion of
11 a grant under this subsection remains bound by the candidate's statement filed
12 under sub. (2) (a).

13 SECTION 160. 11.50 (11) (a) of the statutes is amended to read: ✓

14 11.50 (11) (a) No Except as authorized for candidates who are awarded grants
15 under sub. (4m), no grant may be utilized in any primary. ✓

16 SECTION 161. 11.50 (11) (e) of the statutes, as affected by 2001 Wisconsin Act
17 109, is repealed and recreated to read: ✓

18 11.50 (11) (e) No candidate may expend, authorize the expenditure of or incur
19 any obligation to expend any grant if he or she violates the pledge required under
20 sub. (2) (a) as a precondition to receipt of a grant. ✓

21 SECTION 162. 11.50 (14) of the statutes, as created by 2001 Wisconsin Act 109,
22 is repealed and recreated to read: ✓

23 11.50 (14) CERTIFICATIONS TO SECRETARY OF REVENUE. (a) In each
24 even-numbered year, the board shall certify to the secretary of revenue:

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SECTION 162

1 1. No later than July 1, the name of each political party that qualifies under
2 sub. (1) (am) 1. as an eligible political party as of the preceding June 1 and whose
3 state chairperson has filed a request to establish an account for the party under sub.
4 (2s) (a).

5 2. No later than December 15, the name of each political party that qualifies
6 under sub. (1) (am) 2. as an eligible political party as of the date of the preceding
7 general election.

8 (b) ~~As soon as possible after receiving a valid application from an eligible~~
9 ~~candidate under sub. (2) (a) and determining that the candidate is eligible to receive~~
10 ~~a grant, the board shall certify to the secretary of revenue the full name of that~~
11 ~~candidate as the name appears on the candidate's nomination papers.~~

12 (b)(c) In each certification under this subsection, the board shall specify the
13 expiration date of the certification. ✓

14 **SECTION 163.** 11.60 (3r) of the statutes, as created by 2001 Wisconsin Act 109,
15 is repealed.

16 **SECTION 164.** 11.60 (3s) and (3t) of the statutes are created to read:

17 11.60 (3s) Notwithstanding sub. (1), if any candidate or committee, other than
18 a conduit, accepts a contribution, makes a disbursement, or incurs an obligation to
19 make a disbursement for the purpose of supporting or opposing a candidate for an
20 office specified in s. 11.31 (1) (a) to (de), (e), or (f) without first registering under s.
21 11.05 (1), (2), or (2g) to the extent required under s. 11.05 (1), (2), and (2g), or without
22 reporting the information required under s. 11.12 (6) (c) or (8) or 11.20 (3) or (4) with
23 respect to that contribution, disbursement, or obligation, to the extent required
24 under ss. 11.12 (6) (c) and (8) and 11.20 (3) and (4), the candidate or other individual

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1 or committee may be required to forfeit not more than \$500 per day for each day of
2 continued violation. ✓

3 (3t) Notwithstanding sub. (1), if any candidate or committee, other than a
4 conduit, accepts one or more contributions, makes one or more disbursements, or
5 incurs one or more obligations to make disbursements for the purpose of supporting
6 or opposing a candidate for an office specified in s. 11.31 (1) (a) to (de), (e), or (f) in
7 an amount or value that differs from the amount reported by that individual or
8 committee under s. 11.12 (6) (c) or (8) or 11.20 (3) or (4): ✓

9 (a) By more than ~~5%~~^{5 percent} but not more than ~~10%~~^{10 percent} cumulatively, the candidate or
10 other individual or committee shall forfeit 4 times the amount or value of the
11 difference. ^(use 2x)

12 (b) By more than ~~10%~~^{10 percent} but not more than ~~15%~~^{15 percent} cumulatively, the candidate or
13 other individual or committee shall forfeit 6 times the amount or value of the
14 difference.

15 (c) By more than ~~15%~~^{15 percent} cumulatively, the candidate or other individual or
16 committee shall forfeit 8 times the amount of the difference.

17 SECTION 165. 11.60 (4) of the statutes, as affected by 2001 Wisconsin Act 109,
18 is repealed and recreated to read:

19 11.60 (4) Actions under this section arising out of an election for state office or
20 a statewide referendum may be brought by the board or by the district attorney of
21 the county where the violation is alleged to have occurred, except as specified in s.
22 11.38. Actions under this section arising out of an election for local office or local
23 referendum may be brought by the district attorney of the county where the violation
24 is alleged to have occurred. Actions under this section arising out of an election for
25 county office or a county referendum may be brought by the county board of election

SENATE BILL 12

SECTION 165

1 commissioners of the county wherein the violation is alleged to have occurred. In
2 addition, whenever a candidate or personal campaign committee or agent of a
3 candidate is alleged to have violated this chapter, action may be brought by the
4 district attorney of any county any part of which is contained within the jurisdiction
5 or district in which the candidate seeks election. If a violation concerns a district
6 attorney or circuit judge or candidate for such offices, the action shall be brought by
7 the attorney general. If a violation concerns the attorney general or a candidate for
8 such office, the governor may appoint special counsel under s. 14.11 (2) to bring suit
9 in behalf of the state. The counsel shall be independent of the attorney general and
10 need not be a state employe at the time of appointment.

11 **SECTION 166.** 11.61 (1) (a) of the statutes, as affected by 2001 Wisconsin Act
12 109, is repealed and recreated to read:

13 11.61 (1) (a) Whoever intentionally violates s. 11.05 (1), (2), or (2g), 11.07 (1)
14 or (5), 11.10 (1), 11.12 (5), 11.23 (6), or 11.24 is guilty of a Class I felony. ✓

15 **SECTION 167.** 13.625 (3m) of the statutes is created to read:

16 13.625 (3m) No elective state official and no personal campaign committee of
17 an elective state official may solicit a lobbyist or principal to arrange for another
18 person to make a campaign contribution to that official or personal campaign
19 committee or to another elective state official or the personal campaign committee
20 of that official. ✓

21 **SECTION 168.** 19.42 (3m), (4g) and (4r) of the statutes, as created by 2001
22 Wisconsin Act 109, are repealed and recreated to read:

23 19.42 (3m) "Candidate," except as otherwise provided, has the meaning given
24 in s. 11.01 (1).

SENATE BILL 12

SECTION 168

1 **(4g)** “Clearly identified,” when used in reference to a communication
2 containing a reference to a person, means one of the following:

- 3 (a) The person’s name appears.
4 (b) A photograph or drawing of the person appears.
5 (c) The identity of the person is apparent by unambiguous reference.

6 **(4r)** “Communication” means a message transmitted by means of a printed
7 advertisement, billboard, handbill, sample ballot, radio or television advertisement,
8 telephone call, or any medium that may be utilized for the purpose of disseminating
9 or broadcasting a message, but not including a poll conducted solely for the purpose
10 of identifying or collecting data concerning the attitudes or preferences of electors.

11 **SECTION 169.** 19.45 (13) of the statutes, as created by 2001 Wisconsin Act 109,
12 is repealed and recreated to read:

13 **19.45 (13)** No state public official holding an elective office may, directly or by
14 means of an agent, give, or offer or promise to give, or withhold, or offer or promise
15 to withhold, his or her vote or influence, or promise to take or refrain from taking
16 official action with respect to any proposed or pending matter in consideration of, or
17 upon condition that, any other person make or refrain from making a political
18 contribution, or provide or refrain from providing any service or other thing of value,
19 to or for the benefit of a candidate, a political party, any other person who is subject
20 to a registration requirement under s. 11.05, or any person making a communication
21 that contains a reference to a clearly identified state public official holding an
22 elective office or to a candidate for state public office.

23 **SECTION 170.** 19.49 (1m) of the statutes, as created by 2001 Wisconsin Act 109,
24 is repealed and recreated to read:

SENATE BILL 12

SECTION 170

1 19.49 (1m) No complaint alleging a violation of s. 19.45 (13) may be filed during
2 the period beginning 120 days before a general or spring election, or during the
3 period commencing on the date of the order of a special election under s. 8.50, and
4 ending on the date of that election, against a candidate who files a declaration of
5 candidacy to have his or her name appear on the ballot at that election.

6 **SECTION 171.** 19.49 (5) of the statutes, as affected by 2001 Wisconsin Act 109,
7 is repealed and recreated to read:

8 19.49 (5) (a) Except as provided in par. (b), no action may be taken on any
9 complaint that is filed later than 3 years after a violation of this subchapter or subch.
10 III of ch. 13 is alleged to have occurred.

11 (b) The period of limitation under par. (a) is tolled for a complaint alleging a
12 violation of s. 19.45 (13) or 19.59 (1) (br) for the period during which such a complaint
13 may not be filed under s. 19.49 (1m) or 19.59 (8) (cm).

14 **SECTION 172.** 19.53 (6) of the statutes, as affected by 2001 Wisconsin Act 109,
15 is repealed and recreated to read:

16 19.53 (6) An order requiring the accused to forfeit not more than \$500 for each
17 violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each violation of
18 any other provision of this subchapter, or not more than the applicable amount
19 specified in s. 13.69 for each violation of subch. III of ch. 13. If the board determines
20 that the accused has realized economic gain as a result of the violation, the board
21 may, in addition, order the accused to forfeit the amount gained as a result of the
22 violation. In addition, if the board determines that a state public official has violated
23 s. 19.45 (13), the board may order the official to forfeit an amount equal to the amount
24 or value of any political contribution, service, or other thing of value that was
25 wrongfully obtained. If the board determines that a state public official has violated

SENATE BILL 12

1 s. 19.45 (13) and no political contribution, service, or other thing of value was
2 obtained, the board may order the official to forfeit an amount equal to the maximum
3 contribution authorized under s. 11.26 (1) for the office held or sought by the official,
4 whichever amount is greater. The attorney general, when so requested by the board,
5 shall institute proceedings to recover any forfeiture incurred under this section or s.
6 19.545 which is not paid by the person against whom it is assessed.

7 **SECTION 173.** 19.535 of the statutes, as created by 2001 Wisconsin Act 109, is
8 repealed and recreated to read:

9 **19.535 Direct enforcement.** If the board refuses or otherwise fails to
10 authorize an investigation under s. 19.49 (3) with respect to a violation of s. 19.45 (13)
11 within 30 days after receiving a verified complaint alleging a violation of s. 19.45 (13),
12 the person making the complaint may bring an action to recover the forfeiture under
13 s. 19.53 (6) on his or her relation in the name, and on behalf, of the state. In such
14 actions, the court may award actual and necessary costs of prosecution, including
15 reasonable attorney fees, to the relator if he or she prevails, but any forfeiture
16 recovered shall be paid to the state. If the court finds in any such action that the
17 cause of action was frivolous as provided in s. 814.025, the court shall award costs
18 and fees to the defendant under that section.

19 **SECTION 174.** 19.59 (1) (br) of the statutes, as created by 2001 Wisconsin Act
20 109, is repealed and recreated to read:

21 **19.59 (1) (br)** No local public official holding an elective office may, directly or
22 by means of an agent, give, or offer or promise to give, or withhold, or offer or promise
23 to withhold, his or her vote or influence, or promise to take or refrain from taking
24 official action with respect to any proposed or pending matter in consideration of, or
25 upon condition that, any other person make or refrain from making a political

SENATE BILL 12**SECTION 174**

1 contribution, or provide or refrain from providing any service or other thing of value,
2 to or for the benefit of a candidate, a political party, any other person who is subject
3 to a registration requirement under s. 11.05, or any person making a communication
4 that contains a reference to a clearly identified local public official holding an elective
5 office or to a candidate for local public office.

6 **SECTION 175.** 19.59 (7) of the statutes, as affected by 2001 Wisconsin Act 109,
7 is repealed and recreated to read:

8 19.59 (7) (a) Any person who violates sub. (1) may be required to forfeit not
9 more than \$1,000 for each violation, and, if the court determines that the accused has
10 violated sub. (1) (br), the court may, in addition, order the accused to forfeit an
11 amount equal to the amount or value of any political contribution, service, or other
12 thing of value that was wrongfully obtained.

13 (b) Any person who violates sub. (1) may be required to forfeit not more than
14 \$1,000 for each violation, and, if the court determines that a local public official has
15 violated sub. (1) (br) and no political contribution, service, or other thing of value was
16 obtained, the court may, in addition, order the accused to forfeit an amount equal to
17 the maximum contribution authorized under s. 11.26 (1) for the office held or sought
18 by the official, whichever amount is greater.

19 **SECTION 176.** 19.59 (8) (c) of the statutes, as affected by 2001 Wisconsin Act 109,
20 is repealed and recreated to read:

21 19.59 (8) (c) If the district attorney fails to commence an action to enforce sub.
22 (1) (a), (b), or (c) to (g) within 20 days after receiving a verified complaint or if the
23 district attorney refuses to commence such an action, the person making the
24 complaint may petition the attorney general to act upon the complaint. The attorney
25 general may then bring an action under par. (a) or (b), or both.

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1 **SECTION 177.** 19.59 (8) (cm) and (cn) of the statutes, as created by 2001
2 Wisconsin Act 109, are repealed and recreated to read:

3 19.59 **(8)** (cm) No complaint alleging a violation of sub. (1) (br) may be filed
4 during the period beginning 120 days before a general or spring election, or during
5 the period commencing on the date of the order of a special election under s. 8.50, and
6 ending on the date of that election, against a candidate who files a declaration of
7 candidacy to have his or her name appear on the ballot at that election.

8 (cn) If the district attorney refuses or otherwise fails to commence an action to
9 enforce sub. (1) (br) within 30 days after receiving a verified complaint alleging a
10 violation of sub. (1) (br), the person making the complaint may bring an action to
11 recover the forfeiture under sub. (7) on his or her relation in the name, and on behalf,
12 of the state. In such actions, the court may award actual and necessary costs of
13 prosecution, including reasonable attorney fees, to the relator if he or she prevails,
14 but any forfeiture recovered shall be paid to the state. If the court finds in any such
15 action that the cause of action was frivolous as provided in s. 814.025, the court shall
16 award costs and fees to the defendant under that section.

17 **SECTION 178.** 20.510 (1) (q) of the statutes, as affected by 2001 Wisconsin Act
18 109, is repealed and recreated to read:

19 20.510 **(1)** (q) *Wisconsin election campaign fund.* As a continuing
20 appropriation, from the Wisconsin election campaign fund, the moneys determined
21 under s. 11.50 to provide for payments to eligible candidates whose names are
22 certified under s. 7.08 (2) (c) and (cm) and to provide for public information as
23 authorized under s. 11.50 (2m).

24 **SECTION 179.** 20.855 (4) (ba) of the statutes is created to read:

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SECTION 179

1 20.855 (4) (ba) *Wisconsin election campaign fund supplement*. A sum sufficient
2 equal to the amounts required to make full payment of grants which candidates
3 qualify to receive from the Wisconsin election campaign fund, to be transferred from
4 the general fund to the Wisconsin election campaign fund no later than the time
5 required to make payments of grants under s. 11.50 (5). ✓

6 **SECTION 180.** 25.42 of the statutes, as affected by 2001 Wisconsin Act 109, is
7 repealed and recreated to read:

8 **25.42 Wisconsin election campaign fund.** All moneys appropriated under
9 s. 20.855 (4) (b) and (ba) together with all moneys deposited under ss. 8.35 (4) (a),
10 11.07 (5), 11.12 (2), 11.16 (2), 11.19 (1), 11.23 (2), and 11.38 (6), all moneys reverting
11 to the state under s. 11.50 (8) and all gifts, and bequests and devises received under
12 s. 11.50 (13) constitute the Wisconsin election campaign fund, to be expended for the
13 purposes of s. 11.50. All moneys in the fund not disbursed by the state treasurer shall
14 continue to accumulate indefinitely.

15 **SECTION 181.** 71.07 (6s) of the statutes is repealed. *as created by 2001 Wisconsin Act 109*

16 **SECTION 182.** 71.08 (1) (intro.) of the statutes is repealed and recreated to read:

17 71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married
18 couple filing jointly, trust, or estate under s. 71.02, not considering the credits under
19 ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2fd), (3m), (3s), (6),
20 and (9e), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd), (2m) and (3), and
21 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd), (2m), and (3) and subchs. VIII
22 and IX and payments to other states under s. 71.07 (7), is less than the tax under this
23 section, there is imposed on that natural person, married couple filing jointly, trust,
24 or estate, instead of the tax under s. 71.02, an alternative minimum tax computed
25 as follows:

SENATE BILL 12

✓

1 **SECTION 183.** 71.10 (3) of the statutes, as affected by 2001 Wisconsin Act 109,
2 is repealed and recreated to read:

3 **71.10 (3) CAMPAIGN.** (a) Every individual filing an income tax return who has
4 a tax liability or is entitled to a tax refund may designate \$5 for transfer to the
5 Wisconsin election campaign fund. If the individuals filing a joint return have a tax
6 liability or are entitled to a tax refund, each individual may make a designation of
7 \$5 under this subsection. Each individual making a designation shall indicate
8 whether the amount designated by that individual shall be placed in the general
9 account for the use of all eligible candidates for state office, or in the account of an
10 eligible political party whose name is certified to the secretary of revenue under s.
11 11.50 (14). If an individual does not indicate that the amount of his or her designation
12 shall be placed in the account of a particular eligible political party, that amount shall
13 be placed in the general account. ✓

14 (b) The secretary of revenue shall provide a place for designations under par.
15 (a) on the face of the individual income tax return and shall provide next to that place
16 a statement that a designation will not increase tax liability. The secretary shall also
17 provide and highlight a place in the instructions that accompany the return for any
18 information submitted to the secretary by the elections board under s. 11.50 (2m)
19 without cost to the board. No later than the 15th day of each month, the secretary
20 of revenue shall certify to the elections board, the department of administration, and
21 the state treasurer the total amount of designations made on returns processed by
22 the department of revenue during the preceding month and the amount of
23 designations made during that month for the general account and for the account of
24 each eligible political party. If any individual attempts to place any condition or

SENATE BILL 12

SECTION 183

1 restriction upon a designation not authorized under par. (a), ~~that individual is~~
2 ~~deemed not to have made a designation on his or her tax return.~~ *the is void*

3 (c) The names of individuals making designations under this subchapter shall
4 be strictly confidential. *as created by 2001 Wisconsin Act 109*

5 **SECTION 184.** 71.10 (4) (gw) of the statutes ~~is~~ repealed.

6 **SECTION 185.** 806.04 (11m) [✓] of the statutes, as created by 2001 Wisconsin Act
7 109, is repealed and recreated to read:

8 806.04 (11m) CAMPAIGN FINANCE REGISTRATION. Any person who proposes to
9 publish, disseminate, or broadcast, or causes to be published, disseminated, or
10 broadcast, any communication may commence a proceeding under this section to
11 determine the application to that person of a registration requirement under s. 11.05
12 (1), (2), or (2g). ✓

13 **SECTION 186.** 2001 Wisconsin Act 109, section 9115 (2v), (2w), [✓] (2x) ^{and} (2y) are
14 repealed.

15 **SECTION 187.** 2001 Wisconsin Act 109, section 9132 (4v) is repealed. ✓ *as last affected by 2003 Wisconsin Act 39 is repealed*

16 **SECTION 188.** 2001 Wisconsin Act 109, section 9215 (3v) is repealed. ✓

17 **SECTION 189.** 2001 Wisconsin Act 109, section 9244 (6v) is repealed. ✓

18 **SECTION 190.** 2001 Wisconsin Act 109, section 9315 (2v) [✓] and (2w) [✓] are repealed.

19 **SECTION 191.** 2001 Wisconsin Act 109, section 9344 (2v) is repealed. ✓

20 **SECTION 192.** 2001 Wisconsin Act 109, section 9415 (1x) [✓] is repealed. *as last affected by 2003 Wisconsin Act 39*

21 **SECTION 193. Nonstatutory provisions.**

22 (1) NONSEVERABILITY. Notwithstanding section 990.001 [✓] (11) of the statutes, if
23 a court finds that all or any portion of sections 11.01 (16) [✓] (a) 3., 11.12 (6) [✓] (c), 11.26
24 (8m), or 11.50 (9) [✓] (b) or [✓] (bb) of the statutes, as affected by this act, is unconstitutional,

SENATE BILL 12

1 then sections 11.01 (16) (a) 3., 11.12 (6) (c), 11.26 (8m), and 11.50 (9) (b) and (bb) of
2 the statutes, as affected by this act, are void in their entirety. ✓

3 **SECTION 194. Appropriation changes; elections board.**

4 (1) In the schedule under section 20.005 (3) of the statutes for the appropriation
5 to the elections board under section 20.510 (1) (a) of the statutes, as affected by the
6 acts of ~~2003~~²⁰⁰⁵, the dollar amount is increased by \$76,100 for fiscal year ~~2003-04~~²⁰⁰⁵⁻⁰⁶ and
7 the dollar amount is increased by ~~\$85,100~~^{\$85,100} for fiscal year ~~2005-06~~²⁰⁰⁶⁻⁰⁷ to increase the
8 authorized FTE positions for the elections board by 1.0 GPR campaign finance
9 investigator position and 1.0 GPR auditor position and to fund supporting expenses
10 for these positions. ✓

11 **SECTION 195. Initial applicability.**

12 (1) Except as provided in subsections (2) and (3), this act first applies to
13 elections held on the day after publication. ✓

14 (2) The treatment of section 71.10 (3) (a) of the statutes first applies to claims
15 filed for taxable years beginning on January 1 of the year in which this subsection
16 takes effect, except that if this subsection takes effect after July 31 the treatment
17 first applies to claims filed for taxable years beginning on January 1 of the year
18 following the year in which this subsection takes effect. ✓

19 (3) The treatment of section 11.31 (9) of the statutes first applies to adjustments
20 for the biennium beginning on January 1, ~~2006~~²⁰⁰⁸. ✓

21 **SECTION 196. Effective date.**

22 (1) This act takes effect on February 1, 2003, or on the day after publication,
23 whichever is later.

24 (END)

d-n

ENGROSSED ASSEMBLY BILL 843

SECTION 146

7ms 89-2-11

(1) WISCONSIN ELECTION CAMPAIGN FUND BALANCE TRANSFER. The balance in the Wisconsin election campaign fund on the effective date of this subsection is credited to the general account of the Wisconsin election campaign fund established under section 11.50 (2w) of the statutes, as ^{affected} created by this act.

(2) ~~RULES FOR PUBLIC ACCESS CHANNELS AND PUBLIC TELEVISION STATIONS.~~

(a) Using the procedure under section 227.24 of the statutes, the elections board may promulgate the rules required under section 11.21 (17) of the statutes, as created by this act, for the period before the effective date of the permanent rules, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the elections board is not required to provide evidence that promulgating rules under this paragraph as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for any rule promulgated under this paragraph.

(b) The elections board shall submit in proposed form the rules required under section 11.21 (17) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 10th month beginning after the effective date of this paragraph.

(3g) NONSEVERABILITY; CERTAIN CONTRIBUTION LIMITATIONS. Notwithstanding section 990.001 (11) of the statutes, if a court finds that all or any portion of the statutes listed in paragraph (a) or all or any portion of the treatments listed in paragraph (b) is unconstitutional, then all of the statutes listed in paragraph (a) and all of the treatments listed in paragraph (b) are void in their entirety.

SENATE BILL 46

1 to the general account of the Wisconsin election campaign fund established under
2 section 11.50 (2w) of the statutes, as affected by this act.

3 (3) NONSEVERABILITY. Notwithstanding section 990.001 (11) of the statutes, if
4 a court finds that all or any portion of section 11.01 (4m), (13), and (14m), 11.065,
5 11.12 (6) (c) or (8), 11.26 (8m), or 11.50 (9) (ba) or (bb) of the statutes, as affected by
6 this act, is unconstitutional, then sections 11.01 (4m), (13), and (14m), 11.065, 11.12
7 (6) (c) and (8), 11.26 (8m), and 11.50 (9) (ba) and (bb) of the statutes, as affected by
8 this act, are void in their entirety.

9 (3) (4) NONSEVERABILITY OF 2001 WISCONSIN ACT 109 PROVISIONS. The repeal of 2001
10 Wisconsin Act 109, section 9115 (2y) by this act does not affect the validity or
11 invalidity of any provision specified in that subsection under any court decision
12 issued before the effective date of this subsection.

13 **SECTION 179. Initial applicability.**

14 (1) Except as provided in subsection (2), this act first applies to elections held
15 on the effective date of this subsection.

16 (2) The treatment of section 11.31 (9) of the statutes first applies to adjustments
17 for the biennium beginning on January 1, 2008.

18 (3) The treatment of sections 71.07 (6n) and 71.10 (3) (a) and (4) (ds) of the
19 statutes first applies to claims filed for taxable years beginning on January 1 of the
20 year in which this subsection takes effect, except that if this subsection takes effect
21 after July 31 the treatment first applies to claims filed for taxable years beginning
22 on January 1 of the year following the year in which this subsection takes effect.

23 **SECTION 180. Effective dates.** This act takes effect on January 1, 2006, or on
24 the day after publication, whichever is later, except as follows:

INS 85-10:

SECTION 2. 11.50 (13) of the statutes is amended to read:

11.50 (13) DONATIONS TO FUND. Any committee or other person may make an unrestricted contribution to the general account of the fund by gift, bequest or devise.

History: 1977 c. 107, 272; 1979 c. 328; 1983 a. 51; 1983 a. 484 s. 174; 1985 a. 303 ss. 73 to 79, 86; 1987 a. 370, 391, 403; 1989 a. 31; 1989 a. 192 s. 75; 2001 a. 109.

INS 86-15:

(3t) Notwithstanding sub. (1), if any person makes an independent expenditure for the purpose of making a communication without reporting the information required under s. 11.065, to the extent required under s. 11.065, the person may be required to forfeit not more than \$500 for each day of continued violation.

INS 92-7:

SECTION 3. Effective date. This act takes effect on November 3, 2004, except as follows:

(1) SECTION (1) takes effect on the day after publication.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

-1696/1dn
LRB-1151/1dn
JTK:jd:rs
lmk

December 29, 2004

(date)

Representative Black:

Senator Ellis:

1. This draft provides funding for one additional campaign finance investigator position and one additional auditor position at the Elections Board. ✓ Because the biennial budget act repeals and recreates the appropriation schedule under s. 20.005 (3), stats., if the bill resulting from this draft becomes law before enactment of the budget act and the budget act does not include the funding provided in this draft, the effect will be to eliminate the funding provided in this draft. To preserve the funding of these positions, you may wish to seek inclusion of the funding in the biennial budget bill. ✓

we 2. I want to note briefly that a few of the provisions of this draft are innovative, and I do not yet have, to my knowledge, specific guidance from the U.S. Supreme Court concerning the enforceability of provisions of these types. It is well possible that a court may find a rational basis for these provisions that would permit them to be upheld. However, because of the concerns expressed by the U.S. Supreme Court in *Buckley v. Valeo, et al.*, 96 S. Ct. 612 (1976), and certain other cases, that attempts to regulate campaign financing activities may, in some instances, impermissibly intrude upon freedom of speech or association or upon equal protection guarantees, it is possible that enforceability problems with these provisions may occur. In particular, those provisions concerning which I do not have specific guidance at this time are: ✓

(a) Proposed s. 11.12 (8), which requires candidates who do not accept public grants to file special reports that are not required of candidates who accept public grants. ✓

obligations and (b) Proposed s. 11.50 (9) (b), (ba), and (bb) which provides public grants to qualifying candidates to match contributions received by independent committees and certain independent disbursements ~~and other expenditures~~ and disbursements exceeding the disbursement limitations by candidates who do not accept public grants. Although relevant case law has developed regarding this issue in the federal courts of appeal, there is no consensus among these courts on this issue. Due to the unsettled nature of the law in this area, it is not possible to predict how a court would rule if proposed s. 11.50 (9) (b), (ba), or (bb) were challenged. ✓

If you need further information or would like to make any changes based on the above information, please let me know. ✓

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1696/1dn
JTK:jd&lmk:pg

April 7, 2005

Representative Black:

1. This draft provides funding for one additional campaign finance investigator position and one additional auditor position at the Elections Board. Because the biennial budget act repeals and recreates the appropriation schedule under s. 20.005 (3), stats., if the bill resulting from this draft becomes law before enactment of the budget act and the budget act does not include the funding provided in this draft, the effect will be to eliminate the funding provided in this draft. To preserve the funding of these positions, you may wish to seek inclusion of the funding in the biennial budget bill.

2. I want to note briefly that a few of the provisions of this draft are innovative, and we do not yet have, to my knowledge, specific guidance from the U.S. Supreme Court concerning the enforceability of provisions of these types. It is well possible that a court may find a rational basis for these provisions that would permit them to be upheld. However, because of the concerns expressed by the U.S. Supreme Court in *Buckley v. Valeo, et al.*, 96 S. Ct. 612 (1976), and certain other cases, that attempts to regulate campaign financing activities may, in some instances, impermissibly intrude upon freedom of speech or association or upon equal protection guarantees, it is possible that enforceability problems with these provisions may occur. In particular, those provisions concerning which I do not have specific guidance at this time are:

(a) Proposed s. 11.12 (8), which requires candidates who do not accept public grants to file special reports that are not required of candidates who accept public grants.

(b) Proposed s. 11.50 (9) (b), (ba), and (bb) which provides public grants to qualifying candidates to match contributions received by independent committees and certain independent obligations and disbursements and disbursements exceeding the disbursement limitations by candidates who do not accept public grants. Although relevant case law has developed regarding this issue in the federal courts of appeal, there is no consensus among these courts on this issue. Due to the unsettled nature of the law in this area, it is not possible to predict how a court would rule if proposed s. 11.50 (9) (b), (ba), or (bb) were challenged.

If you need further information or would like to make any changes based on the above information, please let me know.

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Emery, Lynn

From: Zimmerman, Terri
Sent: Thursday, April 07, 2005 3:57 PM
To: LRB.Legal
Subject: Submitted: LRB 05-1696/1 Topic: Campaign finance changes?body=

Please jacket this bill.

Terri Zimmerman
Rep. Black's Office
266-7521